

Expert Opinion and Its Assessment

Abstract

Expert opinion is an important institute for professional evaluation of facts and is widely used in public and private law. This thesis primarily focuses on the examination of expert opinion as a means of proof from the point of view of civil procedural law.

In civil procedure, an expert opinion often serves as a basis for issuing a court decision. For this reason, high requirements are placed not only on the persons of experts but on expert opinion itself as well. This thesis focuses on the judicial assessments of an expert opinion, i.e. the judicial evaluation of whether the expert opinion meets all the requirements that it should meet by law. Special emphasis is placed on the reviewability of the expert opinion, as it is a prerequisite for any evaluation.

Furthermore, the criteria for judicial review of expert conclusions are determined and defined in this thesis. They include legality, relevance and truthfulness. The criterion of factual correctness is examined in more detail, as its application is the most conflicting within the academic circles. However, this work argues and concludes that the court should subject the expert opinion to a full assessment, including the review of factual correctness, otherwise a court decision could ultimately be a decision-making activity of the expert and not the court. Defects of expert opinions and possibilities of their correction, including revised expert opinion, are also discussed.